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IFW AF/2854

Docket No.: 600.1119
Date: June 4, 2004

In re application of: CALLAHAN, et al.
Serial No.: 09/768,736
Filed: January 24, 2001
For: SHAFTLESS MOTOR DRIVE FOR A PRINTING PRESS WITH AN ANILOX INKER

Sir:

Transmitted herewith is a Corrected Appellants' Brief Under 37 C.F.R. §1.192 filed in Triplicate (12 pages each) in the above-identified application.

- ☐ Small entity status under 37 C.F.R. 1.9 and 1.27 has been previously established.
☐ Applicants assert small entity status under 37 C.F.R. 1.9 and 1.27.
☒ No fee for additional claims is required.
☐ A filing fee for additional claims calculated as shown below, is required:

| (Col. 1) | | (Col. 2) | | SMALL ENTITY | | OR | LARGE ENTITY | |
|--|------------|------------|---------|--------------|-------|----|--------------|-------|
| FOR: | REMAINING | HIGHEST | | RATE | FEE | | RATE | FEE |
| | AFTER | PREVIOUSLY | PRESENT | | | | | |
| | AMENDMENT | PAID FOR | EXTRA | | | | | |
| TOTAL CLAIMS | * Minus** | = | 0 | x \$ | 9 | | x \$ | 18 |
| INDEP. CLAIMS | * Minus*** | = | 0 | x \$ | 42 | | x \$ | 84 |
| <input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM | | | | + | \$140 | | + | \$280 |

TOTAL: \$ OR TOTAL: \$

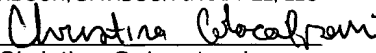
- * If the entry in Co. 1 is less than the entry in Col. 2, write "0" in Col. 3.
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
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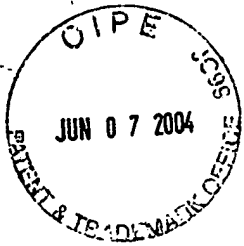
- ☐ Also transmitted herewith are:
☐ Petition for extension under 37 C.F.R. 1.136 (in duplicate)
☐ Other:
- ☐ Check(s) in the amount of \$0.00 is/are attached to cover:
☐ Filing fee for additional claims under 37 C.F.R. 1.16
☐ Petition fee for extension under 37 C.F.R. 1.136
☐ Other:
- ☒ The Assistant Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0552.
- ☒ Any filing fee under 37 C.F.R. 1.16 for the presentation of additional claims which are not paid by check submitted herewith.
- ☒ Any patent application processing or patent appeal fees under 37 C.F.R. 1.17.
- ☒ Any petition fees for extension under 37 C.F.R. 1.136 which are not paid by check submitted herewith, and it is hereby requested that this be a petition for an automatic extension of time under 37 CFR 1.136.


William C. Gehris, Reg. No. 38,156
DAVIDSON, DAVIDSON & KAPPEL, LLC
485 Seventh Avenue, 14th Floor
New York, New York 10018
Tel: (212) 736-1940
Fax: (212) 736-2427

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June 4, 2004
DAVIDSON, DAVIDSON & KAPPEL, LLC

BY: 
Christina Colocotronis



[600.1119]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Re: Application of: CALLAHAN, et al.
Serial No.: 09/768,736
Filed: January 24, 2001
For: SHAFTLESS MOTOR DRIVE FOR A
PRINTING PRESS WITH ANILOX INKER
Art Unit: 2854
Examiner: NGUYEN, ANTHONY H.

Mail Stop: APPEAL
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

June 4, 2004

CORRECTED APPELLANTS' BRIEF UNDER 37 C.F.R. § 1.192

Sir:

Appellants submit this corrected brief in response to the Notice of Non-Compliance dated May 20, 2004 and for the consideration of the Board of Patent Appeals and Interferences (the "Board") in support of their appeal of the Final Rejection dated July 14, 2003 in this application. An original and two copies of this brief are submitted herewith. The statutory fee of \$330.00 is paid concurrently herewith.

1. REAL PARTY IN INTEREST

The real party in interest is Heidelberger Druckmaschinen AG, a German corporation having a place of business at Kurfuersten-Anlage 52-60, D-69115 Heidelberg, Germany, the assignee of the entire right, title and interest in the above-

identified patent application. The invention was assigned by inventors Callahan and Franklin to Heidelberger Druckmaschinen AG. The assignment was recorded on May 7, 2001 at reel 011780/ frame 0695.

2. RELATED APPEALS AND INTERFERENCES

Appellants, their legal representatives, and assignee are not aware of any appeal or interference that directly affects, will be directly affected by, or will have a bearing on the Board's decision in this appeal.

3. STATUS OF CLAIMS

Claims 1 to 20 are pending and finally rejected as per the Final Office Action dated July 14, 2003.

The rejection to claims 1 to 20 thus is appealed. A copy of appealed claims 1 to 20 is attached hereto as Appendix A.

4. STATUS OF AMENDMENTS AFTER FINAL

There were no amendments filed after final.

5. SUMMARY OF THE INVENTION

The present invention provides an offset printing press (e.g., 1 in Fig. 1, see, e.g., specification at page 5, line 25) comprising: a first plate cylinder (e.g., 16 in Fig. 1, see, e.g., specification at page 6, lines 1 to 3); a first blanket cylinder (e.g., 18 in Fig. 1, see, e.g., specification at page 6, line 1) for selectively contacting the first plate cylinder (e.g., 16 in Fig. 1, see, e.g., specification at page 6, lines 1 to 3, see also specification page 6, line 24 to 25 which states that the plate cylinder 16 may be pivoted away from the blanket cylinder 18 during a throw-off operation); an anilox inker (e.g., 12, 13, 14 in Fig. 1, see, e.g., specification at page 6, lines 1 to 3) for inking the first plate cylinder (e.g., 16 in Fig. 1, see, e.g., specification at page 6, lines 1 to 3); a first motor (e.g., 20 in Fig. 1, see, e.g., specification at page 6, lines 7 to 8) directly connected to the anilox inker (e.g., 12, 13, 14 in Fig. 1, see, e.g., specification at page 6, lines 1 to 3) for driving the anilox inker (e.g., 12, 13, 14 in Fig. 1, see, e.g.,

specification at page 6, lines 1 to 3 and 7 to 8) and connected to the first plate cylinder (e.g., 16 in Fig. 1, see, e.g., specification at page 6, lines 1 to 3 and 7 to 10) for driving the first plate cylinder (e.g., 16 in Fig. 1, see, e.g., specification at page 6, lines 1 to 3 and 7 to 10); further comprising a second plate cylinder (e.g., 36 in Fig. 1, see, e.g., specification at page 6, lines 3 to 4); a second blanket cylinder (e.g., 38 in Fig. 1, see, e.g., specification at page 6, lines 4 to 5) for selectively contacting the second plate cylinder (e.g., 36 in Fig. 1, see, e.g., specification at page 6, lines 3 to 4, see also specification page 6, line 24 to 25 which states that the plate cylinder 36 may be pivoted away from the blanket cylinder 38 during a throw-off operation); a second anilox inker (e.g., 32, 34 in Fig. 1, see, e.g., specification at page 6, lines 21 to 23) for inking the second plate cylinder (e.g., 36 in Fig. 1, see, e.g., specification at page 6, lines 21 to 23); and a second motor (e.g., 22 in Fig. 1, see, e.g., specification at page 6, lines 21 to 23) directly connected to the second anilox inker (e.g., 32, 34 in Fig. 1, see, e.g., specification at page 6, lines 21 to 23) for driving the second anilox inker (e.g., 32, 34 in Fig. 1, see, e.g., specification at page 6, lines 21 to 23) and connected to the second plate cylinder (e.g., 36 in Fig. 1, see, e.g., specification at page 6, lines 21 to 27) for driving the second plate cylinder (e.g., 36 in Fig. 1, see, e.g., specification at page 6, lines 21 to 27).

The anilox inker may include for example an anilox roll 12 and ink form roll 14 (see, e.g., Fig. 1 and specification at page 6, lines 1 to 3). The ink form roll 14 is directly driven by the first motor (see, e.g., 20 in Fig. 1 and specification at page 6 lines 7 to 8).

The first blanket cylinder (e.g., 18 in Fig. 1, see, e.g., specification at page 6, line 1) and second blanket cylinder (e.g., 38 in Fig. 1, see, e.g., specification at page 6, lines 4 to 5) may have direct gears (e.g. 52, 53 in Fig. 3, see e.g., specification at page 6, lines 18 to 20) separated from the other, with each direct gear being driven by a third motor (e.g. motor 21 in Fig. 1, see, e.g., specification at page 6, line 17 to 20).

The first anilox inker (e.g., 12, 13, 14 in Fig. 1, and 112, 114 in Fig. 5, see, e.g., specification at page 6, lines 1 to 3 and page 7, lines 19 to 20) may include an ink form roll (see, e.g., 14 in Fig. 1 and 114 in Fig. 5 and specification at page 6, lines 1 to 3 and page 7, lines 19 to 20) and the second anilox inker (e.g., 32, 34 in Fig. 1 and

132, 134 in Fig. 5, see, e.g., specification at page 6, lines 21 to 23 and page 7, line 26 to page 8, line 1) a second ink form roll (see, e.g., 34 in Fig. 1 and 134 in Fig. 5 and specification at page 6, line 21, and page 7, line 26), and wherein in a first mode (see, e.g. Fig. 6 embodiment and specification at page 8, lines 4 to 6) the ink form roll (see, e.g., 14 in Fig. 1 and 114 in Fig. 5 and specification at page 6, lines 1 to 3 and page 7, lines 19 to 20) is driven directly by the first motor (e.g., 20 in Fig. 1 and 120 in Fig. 5, see, e.g., specification at page 6, lines 7 to 8 and page 7, line 21) and the first plate cylinder (e.g., 16 in Fig. 1 and 116 in Fig. 5, see, e.g., specification at page 6, lines 1 to 3 and 7 to 10 and page 7, lines 17 to 18), first blanket cylinder (e.g., 18 in Fig. 1 and 118 in Fig. 5, see, e.g., specification at page 6, line 1 and page 7, lines 24 to 25) and second blanket cylinder (e.g., 38 in Fig. 1 and 138 in Fig. 5, see, e.g., specification at page 6, lines 4 to 5 and page 7, line 25) are driven indirectly by the first motor (e.g., 20 in Fig. 1 and 120 in Fig. 5, see, e.g., specification at page 6, lines 7 to 8 and page 7, line 21).

In a second mode (see, e.g., Fig. 7 and page 8, lines 7 to 9), a second motor (e.g., 122 in Fig. 7, and page 8, line 8) drives the second ink form roller (see, e.g., 34 in Fig. 1 and 134 in Fig. 5 and specification at page 6, line 21, and page 7, line 26), the second plate cylinder (e.g., 36 in Fig. 1 and 136 in Fig. 5, specification at page 6, line 3 and page 7, line 14) and the first blanket cylinder (e.g., 18 in Fig. 1 and 118 in Fig. 5, see, e.g., specification at page 6, line 1 and page 7, lines 24 to 25) and the second blanket cylinder (e.g., 38 in Fig. 1 and 138 in Fig. 5, see, e.g., specification at page 6, lines 4 to 5 and page 7, line 25).

6. ISSUES

Whether claims 1 and 14 should be rejected under 35 U.S.C. § 102(b) as being anticipated by Volz (U.S. Patent No. 5,826,505). Whether claims 2, 3, 17 to 20 should be rejected under 35 U.S.C. § 103 as being unpatentable over Volz in view of John (U.S. Patent No. 6,165,341). Whether claims 4 to 13, 15 and 16 should be rejected under 35 U.S.C. § 103 as being unpatentable over Volz in view of Puschnerat (U.S. Patent No. 5,950,538). Whether claims 1 to 20 should be rejected under 35

U.S.C. § 103 as being unpatentable over Richards (U.S. Patent No. 6,050,185) in view of John.

7. GROUPING OF CLAIMS

The claims may be grouped as follows:

Group I: Claims 1 and 14

Group II: Claims 2, 3, 17 to 20

Group III: Claims 4 to 6, 8, 9, 11, 13, 15 and 16

Group IV: Claim 7

Group V: Claim 10

Group VI: Claim 12

8. ARGUMENTS

Group I: Claims 1 and 14

Claims 1 and 14 were rejected under 35 U.S.C. § 102(b) as being anticipated by Volz (U.S. Patent No. 5,826,505).

Both claims 1 and 14 recite an anilox inker. D, R and HW identified by the Final Office Action is not an anilox inker, which is a short inker in which ink is held in cells in an anilox roller. See attached description of an anilox inker from HANDBOOK OF RPINT MEDIA, attached as Exhibit B.

An anilox inker, for example, does not have a vibrator roller, such as vibrator roller HW in Volz identified by the Examiner, or a distributor roller, or the other various smoothing inking rollers shown in Volz. Volz never discusses or discloses an anilox inker and clearly shows a conventional inking unit with a vibrator roller, distributor roller and a smoothing group. For this reason withdrawal of the rejection to claims 1 and 14 under 35 U.S.C. 102 (b) is respectfully requested.

Claims 1 and 14 also were rejected under 35 U.S.C. § 103 as being unpatentable over Richards (U.S. Patent No. 6,050,185) in view of John.

The Richards reference is discussed in the BACKGROUND INFORMATION section of the present application at page 1, line 21. Richards does not show or disclose an anilox inker.

John shows a blanket cylinder 1, a plate cylinder 5, an ink application cylinder 12, and an anilox roller 10, the ink application cylinder 12, blanket cylinder 1 and plate cylinder 5 being geared together.

Claim 1 requires “a first blanket cylinder for selectively contacting the first plate cylinder” and “a second blanket cylinder for selectively contacting the second plate cylinder” and anilox inkers for inking the plate cylinders. Claim 14 has similar limitations in this aspect.

The John reference is directed to an inking arrangement in which the blanket cylinder 1, plate cylinder 5 and the ink application cylinder 12 are all geared together, as shown in Figs. 1 and 2 of John and as discussed clearly at column 3, lines 34 to 39 and column 4, lines 42 to 46. The combination of the John teaching with Richards would have led one of skill in the art to gear the blanket and plate cylinders together if an anilox inker was to have been used. Such gearing would have precluded the present claim 1 limitation of selectively contacting the plate cylinder with the blanket cylinder. The combination of John with Richards would not have resulted in the claimed invention.

In addition, there is no motivation in any of the references to combine the anilox inker of John with Richards. The stated motivation in the office action “for optimal [of] transferring of ink to a printing plate” is not found in any reference concerning anilox inkers, and there is no teaching or suggesting in the prior art that the use of an anilox inker would have led to optimal transferring of ink. As discussed in the attached excerpt from the HANDBOOK OF PRINT MEDIA concerning anilox inkers, the motivation is not even true: anilox inkers do not optimize ink transfer as they typically are used for lower print quality demands. No proper motivation is provided, and it is unclear where the Examiner obtained the stated motivation, as one of skill in the art is not familiar with the assertion of optimized transferring of ink.

Withdrawal of the rejection to claims 1 and 14 is respectfully requested.

Group II: Claims 2, 3, 17 to 20

Claims 2, 3, 17 to 20 were rejected under 35 U.S.C. § 103 as being unpatentable over Volz in view of John and over Richards in view of John.

Volz, Richards and John are discussed above.

Claim 2 recites the “press as recited in claim 1 wherein the anilox inker includes an ink form roll and an anilox roll, the first motor directly driving the ink form roll.”

As stated above, neither Richards nor Volz shows an anilox inker.

John does not disclose the limitation of claim 2, that the ink application cylinder 12 is driven directly by a motor. As clear from John in Fig. 2, cylinder 12 is driven indirectly through gearing.

Thus even if the anilox inker of John could be provided to Volz or Richards (and it is respectfully submitted that there is no motivation to do so), the combination does not meet the limitation of claim 2.

Moreover, it is respectfully submitted that there is no motivation to replace the conventional inker of Volz with the anilox inker of John, or to replace the inker of Richards with the anilox inker of John.

Claim 17 recites a similar limitation to claim 2 and the other claims in this group depend from claims 2 or 17.

Withdrawal of the rejections to claims 2, 3 and 17 to 20 is respectfully requested.

Group III: Claims 4 to 6, 8, 9, 11, 13, 15 and 16

Claims 4 to 6, 8, 9, 11, 13, 15 and 16 were rejected under 35 U.S.C. § 103 as being unpatentable over Volz in view of Pushnerat and over Richards in view of John.

Volz, Richards and John are discussed above.

Pushnerat does not disclose an anilox inker, as claimed in claim 1 or 14 from which all claims in this group depend. As discussed above Volz also does not show an anilox inker. Thus even a combination of Volz and Pushnerat would not meet the claimed limitation of an anilox inker. Withdrawal of the rejection under 35 U.S.C. 103 in view of Volz and Pushnerat is respectfully requested.

As discussed above with respect to claims 1 and 14, it is respectfully submitted that the rejection under Richards in view of John also be withdrawn, as the claims in this group depend from claims 1 or 14.

Group IV: Claim 7

Claim 7 depends from claim 4 in Group III and further recites “wherein the first and second blanket cylinders have direct gears separated from the other, with each direct gear being driven by the third motor.”

Claim 7 was rejected under 35 U.S.C. § 103 as being unpatentable over Volz in view of Pushnerat and over Richards in view of John, and depends from claim 4 and for the reasons above with respect to claim 4 withdrawal of the rejection is respectfully requested.

In addition, neither Volz nor Pushnerat nor Richards nor John discloses first and second blanket cylinders have direct gears separated from the other, with each direct gear being driven by the third motor, as recited in claim 7, nor is any motivation provided to provide such a feature.

Withdrawal of the rejection to claim 7 for this reason as well is respectfully requested.

Group V: Claim 10

Claim 10 depends from claim 9 and further recites “wherein the first anilox inker includes an ink form roll and the second anilox inker a second ink form roll, and wherein in a first mode the ink form roll is driven directly by the first motor, and the first plate cylinder, first blanket cylinder and second blanket cylinder are driven indirectly by the first motor.”

Claim 10 was rejected under 35 U.S.C. § 103 as being unpatentable over Volz in view of Pushnerat and over Richards in view of John, and depends from claim 9 and for the reasons above with respect to claim 9 (Group III).

In addition, neither Volz nor Pushnerat nor Richards nor John discloses a mode where the ink form roll is driven directly by the first motor, and the first plate cylinder, first blanket cylinder and second blanket cylinder are driven indirectly by the

first motor, nor has the office action identified any such mode.

The statement regarding claim 10 in the Final Office Action at page 6 does not address the claim limitations at all.

Withdrawal of the rejections for this reason as well is respectfully requested.

Group VI: Claim 12

Claim 12 depends from claim 10 (Group V) and further recites that in a second mode the second motor drives the second ink form roller, the second plate cylinder, and the first and second blanket cylinders.

In addition to the arguments presented with respect to claim 10, neither Volz nor Pushnerat nor Richards nor John discloses that in a second mode a second motor drives the second ink form roller, the second plate cylinder, and the first and second blanket cylinders. Richards has a separate motor for the blanket cylinders, so the Final Office Action assertion on page 6 is not understood.

Withdrawal of the rejection to claim 12 is also respectfully requested.

Respectfully submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

By: 

William C. Gehris
Reg. No. 38,156

DAVIDSON, DAVIDSON & KAPPEL, LLC
485 Seventh Avenue, 14th Floor
New York, NY 10018
Tel: (212) 736-1940
Fax: (212) 736-2427

APPENDIX A:

PENDING CLAIMS 1 to 20 OF U.S. APPLICATION SERIAL NO. 09/768,736

Claim 1 (original): An offset printing press comprising:

- a first plate cylinder;
- a first blanket cylinder for selectively contacting the first plate cylinder;
- an anilox inker for inking the first plate cylinder;
- a first motor directly connected to the anilox inker for driving the anilox inker and connected to the first plate cylinder for driving the first plate cylinder;
- a second plate cylinder;
- a second blanket cylinder for selectively contacting the second plate cylinder;
- a second anilox inker for inking the second plate cylinder; and
- a second motor directly connected to the second anilox inker for driving the second anilox inker and connected to the second plate cylinder for driving the second plate cylinder.

Claim 2 (previously presented): The press as recited in claim 1 wherein the anilox inker includes an ink form roll and an anilox roll, the first motor directly driving the ink form roll.

Claim 3 (original): The press as recited in claim 2 wherein the ink form roll and the first plate cylinder have the same diameter.

Claim 4 (original): The press as recited in claim 1 further comprising a third motor for driving the first and second blanket cylinders.

Claim 5 (previously presented): The press as recited in claim 4 wherein the anilox inker includes an anilox roll and an ink form roll, the first motor driving the ink form roll directly, and the anilox roll and the first plate cylinder through a set of gears, and the second anilox inker includes a second anilox roll and a second ink form roll, the

second motor driving the second ink form roll directly and the second anilox roll and the second plate cylinder through a second set of gears.

Claim 6 (original): The press as recited in claim 4 wherein the first and second blanket cylinders are directly geared together.

Claim 7 (original): The press as recited in claim 4 wherein the first and second blanket cylinders have direct gears separated from the other, with each direct gear being driven by the third motor.

Claim 8 (previously presented): The press as recited in claim 1 wherein the first plate cylinder is thrown off of the first blanket cylinder while the second plate cylinder continues a printing operation.

Claim 9 (original): The press as recited in claim 1 wherein one of the first and second motor drives the first and second blanket cylinders.

Claim 10 (original): The press as recited in claim 9 wherein the first anilox inker includes an ink form roll and the second anilox inker a second ink form roll, and wherein in a first mode the ink form roll is driven directly by the first motor, and the first plate cylinder, first blanket cylinder and second blanket cylinder are driven indirectly by the first motor.

Claim 11 (original): The press as recited in claim 10 wherein the second plate cylinder is thrown off of the second blanket cylinder.

Claim 12 (original): The press as recited in claim 10 wherein in a second mode the second motor drives the second ink form roller, the second plate cylinder, and the first and second blanket cylinders.

Claim 13 (original): The press as recited in claim 12 wherein the first plate cylinder is

thrown off of the first blanket cylinder.

Claim 14 (original): A method for driving a printing unit having a first anilox inker, a first plate cylinder, a first blanket cylinder selectively contacting the first plate cylinder, a second blanket cylinder, a second plate cylinder selectively contacting the second plate cylinder, and a second anilox inker, the method comprising the steps of:

- directly driving the first anilox inker using a first motor;
- indirectly driving the first plate cylinder using the first motor;
- directly driving the second anilox inker using a second motor; and
- indirectly driving the second plate cylinder using the second plate cylinder.

Claim 15 (original): The method as recited in claim 14 further including driving the first and second blanket cylinders with one of the first and second motors.

Claim 16 (original): The method as recited in claim 14 further including driving the first and second blanket cylinders with a third motor.

Claim 17 (original): The method as recited in claim 14 wherein the first anilox inker includes an ink form roller and an anilox roller, the first motor directly driving the ink form roller.

Claim 18 (original): The method as recited in claim 17 wherein the ink form roller and the first plate cylinder have the same diameter.

Claim 19 (previously presented): The method as recited in claim 18 wherein the ink form roller contacts the first plate cylinder and the anilox roll contacts the ink form roller without directly contacting the first plate cylinder.

Claim 20 (previously presented): The press as recited in claim 3 wherein the ink form roller contacts the first plate cylinder and the anilox roll contacts the ink form roller without directly contacting the first plate cylinder. ~